

§ 36C-4C-2. Establishing validity of a revocable trust before death.

(a) During the settlor's lifetime, any settlor of a revocable trust who is a resident of North Carolina may commence a judicial proceeding seeking a judicial declaration that the trust is valid.

(b) The petition shall be filed with the Superior Court Division of the General Court of Justice. At the hearing, the petitioner shall produce the evidence necessary to establish that the revocable trust, including any existing amendments thereto, is valid and enforceable under its terms, subject only to a subsequent amendment or revocation of the revocable trust. Civil summonses shall be issued to those interested persons identified in the settlor's petition, and such parties shall be served with a copy of the summons and petition as provided in Rule 4 of the Rules of Civil Procedure.

(c) The petition filed to determine the validity of a revocable trust may also join as an additional claim a request for a judicial declaration that the petitioner's will or codicil is valid as provided in Article 2B of Chapter 28A of the General Statutes and, notwithstanding G.S. 28A-2B-1(b), the joined action shall be heard in the Superior Court Division of the General Court of Justice as provided in this Article.

(d) Failure to use the procedure authorized by this Article shall not have any evidentiary or procedural effect on any future proceedings, including trust proceedings, civil actions, and estate proceedings.

(e) For purposes of this Article only, a "petitioner" is a person who requests a judicial declaration that confirms the validity of that person's revocable trust. (2021-53, s. 1.1.)